



AL-10-000-1950

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

FEB 23 2010

The Honorable Barbara A. Mikulski
United States Senator
1629 Thames Street, Suite 400
Baltimore, Maryland 21231

Dear Senator Mikulski:

Thank you for your letter of February 3, 2010 to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, Mr. [redacted] regarding his concerns about dredge spoils contaminating Pearce Creek and ground water in surrounding communities in Cecil County, Maryland.

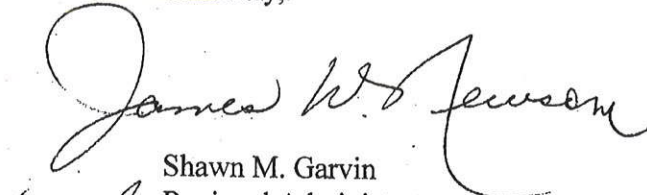

EPA shares Mr. [redacted] concerns with the potential adverse effects from contaminated sediments on water quality in the Chesapeake Bay and its tributaries. EPA has been actively involved in the development of new plans for cleanup of the Bay and, in specific, efforts to responsibly manage dredged material taken from the Bay and other U.S. waterways.

As you may know, the U.S. Army Corps of Engineers (Corps), Philadelphia District, has been investigating the potential reactivation of the former Pearce Creek dredged material containment facility (DMCF) to handle dredged material taken from the upper approach channels to Baltimore Harbor. The Corps has contracted with the U.S. Geological Survey for a study to characterize ground water beneath the Pearce Creek site. Results of this study are expected to be available this summer, and the Corps will use the results and related ground water modeling to evaluate whether it is feasible to use the site for future dredged material disposal. It is important to stress that even if the Pearce Creek site can be reactivated, it would only accept dredged material from the upper Chesapeake Bay approach channels, and not from Baltimore Harbor or the Chesapeake and Delaware Canal.

This issue has been discussed as a part of Maryland's Dredged Material Management Program (DMMP), of which EPA is a member, and which includes a very active Citizens Advisory Committee (CAC) chaired by Mr. [redacted]. EPA has passed along Mr. [redacted] concerns to Mr. [redacted]. In addition, EPA has also discussed Mr. [redacted] concerns with Mr. Tim Kelly, Project Manager at the Corps' Philadelphia District, who agreed to contact Mr. [redacted]. The Maryland DMMP also has an Innovative Reuse Committee, which is focused on finding uses for dredged material other than traditional methods of disposal in open water or at DMCFs. More information about the Maryland DMMP can be found at: <http://www.mpsafepassage.org/index.htm>.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Linda Miller, EPA's Maryland Liaison, at 215-814-2068.

Sincerely,


Shawn M. Garvin
Regional Administrator


BARBARA A. MIKULSKI
MARYLAND

COMMITTEES:

APPROPRIATIONS

HEALTH, EDUCATION, LABOR,
AND PENSIONS

United States Senate

WASHINGTON, DC 20510-2003

February 3, 2010

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-0001

Dear Ms. Jackson:

I am forwarding a letter from one of my constituents, Mr. _____, President of the _____ Homeowners Association, who is concerned about dredge spoils contaminating Pearce Creek and ground water in surrounding communities.

I absolutely share his concerns. I am requesting that you have the appropriate staff review and comment on the issues Mr. _____ has raised. Please send your response directly to my Projects Director, Ms. Valerie Twanmoh in my Baltimore office, at the above address.

Thank you very much for your consideration. I look forward to hearing from you.

Sincerely,



Barbara A. Mikulski
United States Senator

BAM:wbk

IN REPLY PLEASE REFER TO
OFFICE INDICATED:

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BALTIMORE

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January 23, 2010

Barbara A. Mikulski ✓
US Senator
1629 Thames Street, Ste. 400
Baltimore, MD 21231

Benjamin L. Cardin
US Senator
Tower One, Ste. 1710M
100 So. Charles Street
Baltimore, MD 21201

Frank Kratovil
Congressman
314 Cannon HOB
Washington, DC 20515

EJ Pipkin
State Senator
416 James Senate Office Bldg.
11 Bladen Street
Annapolis, MD 21401

Jim Mullin
Cecil County Commissioner
County Administration Bldg.
200 Chesapeake Blvd.
Suite 2100
Elkton, MD 21921

Michael Smigiel, Sr.
Cecil County Delegate
136A East Main Street
Elkton, MD 21921

Dear Senator Mikulski, Senator Cardin, State Senator Pipkin, Congressman Kratovil,
County Commissioner Mullin, and Delegate Smigiel:

I am writing in the hope that you and your colleagues, the State of Maryland
and Cecil County government can work together and help us.

-2-

Let me introduce myself. I am the President of the HOA, located in . I am a retired tow boat captain who has worked in the New York and New Jersey area and am familiar with dredging operations.

There has been an on-going controversy about the ground water supply in our area for many years. Our problem started back in 1992 when the Army Engineers

pumped dredge material into the Pearce Creek dump site located in Earleville. The subdivisions located around Pearce Creek include West View Shores, Bay View Estates, Sunset Point and the homes along Pond Neck Road. Crystal Beach, which is located to the north side of Pearce Creek is not affected from what I've been told, because the ground water flows under Pearce Creek in a southwest direction toward the previous mentioned subdivisions.

In 1995 a report was issued on test results of the wells. I have a copy of this report. This report was issued by both the State of Maryland and the Army Engineers. Both agencies summed up their reports that the probable cause of the ground water contamination was from the dredge spoils, but that there could be a remote possibility of other sources of contamination.

To make a long story short, we were told that water lines would be run into the previous mentioned subdivisions and the wells would no longer be needed. After eight long years and the support of our Congressman to secure funds, the project was repeatedly turned down.

The Army Engineers for some time now has been in the process of doing on site work to ready the dump site in the future. It is my understanding that they will line the dump site with a liner to contain the spoils from contaminating the ground water. My question to them is this. Will anyone sign off on this liner 100% that it will never leak and take total responsibility? I feel it is too big a risk, there are hundreds of wells that are at risk.

The only folks that the Army Engineers met with to discuss this project were the folks at West View Shores on November 21, 2009. Bay View Estates, Sunset Point, and the folks along Pond Neck Rd. were never notified of the meeting on November 21, 2009, even though they were mentioned in the 1995 report by the State of Maryland and Army Engineers. My question is WHY ?

I found out about this meeting on December 16, 2009 in the Cecil Whig newspaper. After reading the article I contacted Tim Kelly, Project Manager with the Army Engineers. I told him that . would like to have input and attend any future meetings. Tim asked if I would send him a list of lot owners and a plat plan, I agreed, and Tim said he would keep me posted.

-3-

The article in the newspaper went on to say, according to Timothy Rooney, Project Manager with the Army Engineers that dredge spoils would come from the ship channel between the Port of Baltimore and C&D Canal. As you probably know, a lot of contaminated sediment and sewage flows into the bay from Baltimore Harbor into the approach channels located in the bay. Are the dredge spoils from these channels going to be discharged at Pearce Creek? I hope not. You don't have to look far for contaminated sediment. Not far from the entrance to Baltimore Harbor is Sparrows Point which has

been contaminating both the harbor and bay. It's pretty sad that the State of Maryland and EPA have to be sued by the Chesapeake Bay Foundation and River Keeper to enforce a court order from 1997 to clean up Sparrows Point.

Now if we head north toward the C&D Canal, we have another big problem, the Susquehanna River which emits about 44% of the nitrogen into the bay. Agricultural pollution, such as excess fertilizers wash down to the bay. You don't have to look far regarding the dangers of fertilizers. Why does "Lawn Doctor" tell you to keep kids and pets off the grass until the fertilizer application is dry? And who knows what else flows out of the river. Are the sediments dredged from these areas contaminated, not safe to be deposited at Pearce Creek?

And dredge spoils from the C&D Canal - are they safe to dispose of at Pearce Creek. I am sure you are aware of the contaminated sediment in the Delaware River that flows into the C&D Canal and pending law suit against Army Engineers who want to start a massive dredging project in Delaware River and disturb the bottom contaminated sediment, which will cause more contaminated sediments to flow into the C&D Canal.

There are other ways to dispose of contaminated sediment. You only have to look at the New York & New Jersey Port Authority. Innovative products as commercial building materials and lightweight aggregates can be made from certain dredged spoils. And you have the open pit mines and mines in Pennsylvania for disposal of dredged spoils. These spoils would be shipped by rail. This has state approval. Yes these methods are more costly, but if you want to clean up the bay, and keep it from turning into a big cesspool we are going to have to step up to the plate. This coming May the White House will release a report for comment on cleaning up the bay. I feel this is a good opportunity to bring up dredging and how it will be disposed today and tomorrow.

The Army Engineers could open the biggest disposable site in the bay, the Aberdeen Proving Grounds. At the south end you have Gunpowder Neck, Monks Island, Taylor Island. On the north end there is Spesutie Island and Fishing Battery Light which is off the north end of Aberdeen. To the west of the light there is a spoil area. The State of Maryland, Army Engineers, EPA and the public will have to work together to open a dump site in one of these areas to dispose of contaminated dredge spoils. You can't dump in areas like Pearce Creek which can affect the health of hundreds folks like, such as what happened at Love Canal.

-4-

I have been touch with Charles Smyser, Environmental Health in Cecil County. He told me after they receive reports from the State of Maryland and Army Engineers they will then give their input.

I also spoke with Richard Ayella of the Maryland Tidal Wetlands Division. He said he would get back to me.

Thank you for your time and I look forward to hearing from you.

Sincerely,

President
Homeowners Association

FAX TRANSMISSION

OFFICE OF SENATOR BARBARA MIKULSKI

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To: EPA Congressional

Date: February 3, 2010

Fax #: 202-501-1519

Pages: 6, including this cover sheet

From: Bart Kennedy

Subject: Pearce Creek - dredge spoils contamination